

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.

Case No. 1:07-cv-10632-BSJ-DCF

**NOTICE OF MOTION
TO ADMIT COUNSEL
K. ALLEN BROOKS
PRO HAC VICE**

PLEASE TAKE NOTICE that, upon the annexed declaration of movant, Andrew G.

Frank, Assistant Attorney General in the Environmental Protection Bureau of the office of
Andrew M. Cuomo, Attorney General of the State of New York, in support of this motion, and
upon the declaration of K. Allen Brooks, as applicant for admission *pro hac vice*, and upon the
certification of good standing of the Supreme Court of New Hampshire, the undersigned will
move this Court before the Honorable Barbara S. Jones, United States District Judge, at the
United States Courthouse for the Southern District of New York located at 500 Pearl Street, New
York, NY, 10007, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts
for the Southern and Eastern Districts of New York, for an Order allowing the admission of said
K. Allen Brooks, Assistant Attorney General of the State of New Hampshire and a member in
good standing of the Bar of the State of New Hampshire, as attorney *pro hac vice* to argue or try
this case in whole or in part as counsel. Movant Andrew G. Frank will act as local counsel for
the applicant.

FILED
U.S. DISTRICT COURT
2008 SEP 5 PM 3:59

SEP 05 2008

925-662374

Dated: New York, New York
September 5, 2008

A handwritten signature in black ink, appearing to read "A. G. Frank", is written over a horizontal line.

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
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Plaintiffs,

-against-

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Defendants.
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Case No. 1:07-cv-10632-BSJ-DCF

**DECLARATION OF ANDREW G. FRANK IN SUPPORT OF MOTION TO
ADMIT K. ALLEN BROOKS AS COUNSEL *PRO HAC VICE***

Andrew G. Frank, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the United States District Court for the Southern District of New York. I was so admitted on February 1, 2000.
2. I am currently employed as an Assistant Attorney General of the Environmental Protection Bureau of the Office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for plaintiff State of New York in this action.
3. I make this declaration in support of the motion to admit K. Allen Brooks, an attorney admitted to practice in the State of New Hampshire, as counsel *pro hac vice* for plaintiff State of New Hampshire in this action.
4. As set forth in the annexed declaration of K. Allen Brooks and the exhibit thereto:
 - (i) K. Allen Brooks is a member in good standing of the Bar of the State of New Hampshire.

(ii) There are no pending disciplinary proceedings against K. Allen Brooks in any State or Federal Court.

5. I agree to act as local counsel to the applicant for admission *pro hac vice* during the pendency of this action. My address is: Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271. My telephone number is (212) 416-8271 and my fax number is (212) 416-6007. My e-mail address is andrew.frank@oag.state.ny.us.

6. The required fee of \$25.00 accompanies this motion in accordance with the Local Rules of this Court.

7. A proposed Order granting this motion is annexed hereto.

8. No previous application has been made for the relief sought in this motion.

WHEREFORE I respectfully request that K. Allen Brooks be admitted as counsel *pro hac vice* for plaintiff State of New Hampshire in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 5, 2008



Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, *et al.*, :
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Plaintiffs, : Case No. 1:07-cv-10632-BSJ-DCF
:
-against- :
:
STEPHEN L. JOHNSON, *et al.*, :
:
Defendants. :
:
-----X

DECLARATION OF K. ALLEN BROOKS
IN SUPPORT OF MOTION TO BE ADMITTED *PRO HAC VICE*

K. Allen Brooks, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the State of New Hampshire since October 26, 2004.
2. I am currently employed as an Assistant Attorney General in the State of New Hampshire Office of the Attorney General, where I have been continuously employed as such since November 2005.
3. Attached hereto as Exhibit A is a Certificate of Good Standing issued by the Supreme Court of New Hampshire, dated August 8, 2008, reflecting that I am currently a member in good standing of the Bar of the State of New Hampshire.
4. There are no pending disciplinary proceedings against me in any State or Federal Court.

5. Pursuant to the accompanying motion, I hereby request permission to appear as counsel *pro hac vice* for the State of New Hampshire in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is and shall remain local counsel in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/29/08

K. Allen Brooks
K. Allen Brooks

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Subscribed and sworn to before me this 29th day of August, 2008.

Stephanie Duquette
Notary Public
My commission expires:

STEPHANIE DUQUETTE
Notary Public - New Hampshire
My Commission Expires September 17, 2008

UNITED STATES DISTRICT COURT

The State of New Hampshire
Supreme Court

1:07-cv-10632-BSJ-DCF

Be it Remembered,

That at the _____ October
Session, 20 04 term _____ of the Supreme Court, held at
Concord, within and for The State of New Hampshire,
Kelvin Allen Brooks _____, Esquire, of
Portsmouth _____
in the County of Rockingham, New Hampshire
having been found qualified for admission to the bar,
in accordance with the Rules of Court, and having in
open Court, on the _____ twenty-sixth _____ day
of _____ October _____ 20 04 _____,
subscribed and taken the oath to support the Constitution
of the United States of America, the oath of allegiance
to the State of New Hampshire and the oath of office,
was admitted to practice as an attorney in the Courts
of this State and remains in good standing in so far as
the records of this office disclose.

In Testimony Whereof, I have hereunto
set my hand, and affixed the seal of said
Court, this _____ 8th _____ day of
_____ August _____ 20 08 _____

Eileen Forp Clerk.

O HAC VICE

le 1.3 (c) of the Local Rules
stricts of New York to admit
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: Court having considered
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ice of Andrew M. Cuomo,
ork, NY 10271 is designated

TABLE BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Case No. 1:07-cv-10632-BSJ-DCF

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the Motion to Admit Counsel K.

Allen Brooks *Pro Hac Vice* in this action, along with the two accompanying declarations and the proposed order granting the motion, by United States First Class Mail this 5th day of September, 2008 on the following attorneys:

Counsel for Defendants

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A & G. RL

Andrew G. Frank